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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,657	01/26/2004	Richard Allen Kominsky	D-KML-0014 (ITT-0005)	1207

7590 08/26/2005

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EXAMINER	
SOHN, SEUNG C	

ART UNIT	PAPER NUMBER
2878	

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/765,657	KOMINSKY ET AL.	
	Examiner	Art Unit	
	Seung C. Sohn	2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ~~104~~ 1/26/04
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ostromek et al. (Patent No. US 6,576,884) in view of LTC6902 (LTC6902 datasheet, "Multiphase Oscillator with spread spectrum frequency modulation", Linear Technology, 2003).

Regarding claims 1-20, Ostromek et al. shows in Fig. 1 a system for viewing an object (34) under low light conditions, the system comprising: an image intensifier tube

(36) generating an image of said object; a power supply (44) providing power to said image intensifier tube; a gating module (10) coupled to said power supply, said gating module generates a gating signal to said power supply (44) to provide gated power to said image intensifier tube (36) wherein said image intensifier tube includes a photocathode sensor (18), a microchannel plate (48) and an anode (50).

Ostromek et al. does not disclose that said gating module includes a frequency generator generating a base signal having a base frequency; a modulator for spread-spectrum modulating said base frequency of said base signal to generate a modulated signal; and a gating circuit coupled to said modulator, said gating circuit generating said gating signal in response to said modulated signal, wherein said frequency generator and said modulator are implemented by an oscillator, wherein said oscillator includes a first resistor establishing said base frequency, wherein said oscillator includes a second resistor coupled to a modulation pin of said oscillator, said second resistor establishing a percent of modulation of said base frequency, wherein said oscillator includes a switch connecting said modulation input to ground, closure of said switch deactivating said modulating said base frequency, wherein said oscillator is a band-limited random noise generator, wherein said modulator is a pseudorandom sequence generator, wherein said gating circuit is a one-shot.

LTC6902 shows in left figure on Page 1 a frequency generator (when the resistor RMOD is not used) generating a base signal having a base frequency; a modulator (when the resistor RMOD is used) for spread-spectrum modulating said base frequency of said base signal to generate a modulated signal, wherein said frequency

generator and said modulator are implemented by an oscillator, wherein said oscillator includes a first resistor (RSET) establishing said base frequency, wherein said oscillator includes a second resistor (RMOD) coupled to a modulation pin of said oscillator, said second resistor establishing a percent of modulation of said base frequency, wherein said oscillator includes a switch connecting said modulation input to ground, closure of said switch deactivating said modulating said base frequency (Page 7, the right column), wherein said oscillator is a band-limited random noise generator, wherein said modulator is a pseudorandom sequence generator, wherein said gating circuit is a one-shot (see description on Page 1).

It would have been obvious to one of ordinary skill in the art to provide the LTC6902 oscillator to the device of Ostromek et al. to drive the power supply for the purpose of decreasing the peak electromagnetic radiation level and improving electromagnetic compatibility performance (see "driving switching regulators" on Pages 13-14).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seung C. Sohn whose telephone number is (571) 272-2446. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seung C. Sohn
Examiner
Art Unit 2878